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Bender's Immigration Regulations Service

Publication 695 Release 217

March 2012

HIGHLIGHTS

REGULATORY CHANGES INCLUDED IN THIS RELEASE

- Release 217 includes regulatory changes published in the Federal Register as of January 12, 2012. The regulatory changes are described below.

8 CFR Regulations (Vol. 1)

Commonwealth of the Northern Mariana Islands Transitional Worker Classification; Correction (76 FR 69119, Nov. 8, 2011)

- This final rule made a correction to the final rule published at 76 FR 55502, Sept. 7, 2011, with respect to revision made by the latter to 8 CFR § 103.7(b)(2)(i)(J).

Immigration Benefits Business Transformation, Increment I; Correction (76 FR 73475, Nov. 29, 2011)

- This DHS rule corrected the final rule published at 76 FR 53764, Aug. 29, 2011, with respect to a number of technical drafting errors.

Civil Monetary Penalties Inflation Adjustment (76 FR 74625, Dec. 1, 2011)

- This rule amended DHS regulations to adjust for inflation certain civil monetary penalties assessed under the Immigration and Nationality Act (INA). The adjusted penalties are calculated according to a statutory formula, and will be effective for violations occurring on or after January 3, 2012. This rule also amended the Department of Justice (DOJ) regulations under 8 CFR to eliminate duplicative language and to substitute cross-references to the relevant regulations. The amended DHS regulations are 8 CFR §§ 280.13(b), 280.51(c), & 280.53. The DOJ regulation at 8 CFR § 1280.1 was revised, and the DOJ regulations at 8 CFR 1280.2 through 1280.7, 1280.11 through 1280.15, 1280.21, and 1280.51 through 1280.53 were removed as duplicative.

DOS Regulations (Vol. 2)

Hague Convention Adoptions; new adoption provisions from the International Adoption Simplification

Act (76 FR 67361, Nov. 1, 2011)

- This interim final rule added a new 22 CFR § 42.24(n), which—in accordance with the International Adoption Simplification Act (Pub. L. 111–287)—provides for sibling adoption to include certain children who are under the age of 18 at the time the petition is filed on their behalf, and also certain children who attained the age of 18 on or after April 1, 2008 and who are the beneficiaries of a petition filed on or before November 30, 2012.

Consular Service Fees: Nonimmigrant visa and border crossing card application processing (76 FR 76032, Dec. 6 2011)

- This final rule adopted without change the Interim Rule published at 75 FR 28188, May 20, 2010, which revised the Nonimmigrant Visa Services fees at 22 CFR § 22.1, Item 21.

DOL Regulations (Vol. 2)

Delay of Effective Date; Wage Methodology for Temporary Non-Agricultural Employment H-2B Program (76 FR 82115, Dec. 30, 2011)

- This is the fourth in a series of DOL regulatory actions delaying the effective date of the Wage Methodology Rule for the Tempo-

rary Non-Agricultural Employment H-2B Program originally promulgated at 76 FR 3452, Jan. 19, 2011. The effective date is now delayed until October 1, 2012. This latest action is in response to passage of H.R. 2055, Pub. Law 112-74, Consolidated Appropriations Act, 2012 (Dec. 23, 2011; 125 Stat. 786), which provided at Division F, Title I, § 110: “None of the amounts made available under this Act [for FY 2012] may be used to implement the rule entitled ‘Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program’ (76 Fed. Reg. 3452 (January 19, 2011)).” The affected regulation is 20 CFR § 655.10. The rule as in effect until October 1, 2012, is carried in the main text of § 655.10. The rule that becomes effective October 1, 2012, is set forth in the footnote to that section. Also set forth in the footnote is the DOL guidance document regarding the effective date, which was published at 76 FR 82116, Dec. 30, 2011. Note that an earlier DOL action published at 76 FR 73508, Nov. 29, 2011, had delayed the effective date until January 1, 2012, but that action is overtaken by the more recent action of December 30, 2011, described above.

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Publication 695 Release 217

March 2012

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VOLUME 1

Revision

Title page. Title page

8 CFR

23 thru 47 23 thru 47
 147. 147 thru 148.1
 167 thru 169 167 thru 170.1
 191. 191 thru 192.1
 205. 205 thru 206.1
 221. 221 thru 222.1
 235 thru 244.3 235 thru 244.4(1)
 505 thru 511 505 thru 512.1
 543. 543 thru 544.1
 689 thru 695 689 thru 697
 759. 759 thru 760.1
 771. 771 thru 772.1
 1133 thru 1165 1133 thru 1145

VOLUME 2

Revision

Title page. Title page

DOS Regulations

5. 5
 77 thru 79 77 thru 80.1

DOL Regulations

13 thru 16.3 13 thru 16.5

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